

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 215 – SB 946

April 21, 2009

SUMMARY OF AMENDMENT (004942): Deletes all language after the enacting clause. Authorizes the sentencing judge to order defendant in revoked probation cases to serve the remainder of the sentence on community corrections as an alternative to incarceration as long as the violation of probation is a technical one and does not involve the commission of a new offense.

FISCAL IMPACT OF ORIGINAL BILL:

State Expenditures – Net Impact – Not Significant

Decrease Local Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

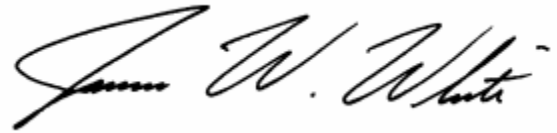
Assumptions applied to amendment:

- According to the Board of Probation and Parole (BOPP), in FY06-07, judges re-sentenced 325 probation violators to community corrections. In *State v. Stansberry*, 2008 Tenn. Crim. App. LEXIS 390 (2008), the Court of Criminal Appeals held that judges do not have the authority to do so. This bill reverses the ruling in *Stansberry*. Giving the judges this additional sentencing option will not have a fiscal impact on the court system.
- There would be an increase in operational costs for the community corrections programs and a reduction in operating costs if fewer probationers are incarcerated. However, the net impact is estimated to be not significant.
- There would be a slight reduction in operating costs for local governments if fewer probationers are incarcerated in jails. This decrease is estimated to be not significant.

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CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a distinct "W".

James W. White, Executive Director

/lsc